REMARKS

Claims 1 through 59 are pending; claims 1, 4, 5, 6, 8, 12, 17, 20, 21, 23, 24, 29, 35, 37, and 39 are amended in various particulars, and claims 40 through 59 are newly added. Thus, claims 1 through 59 are pending in this reissue application.

Claims 1, 4 through 6, 21, 23 through 26 and 29 through 39 were rejected under both the first and second paragraphs of 35 U.S.C. §112, on the Examiner's assertion that the claimed invention (1) was not described in such full, clear, concise and exact terms as to enable any persons skilled in the art to make and use the same, and/or (2) for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Applicant respectfully traverses this rejection for the following reasons.

First, the Examiner has not identified any omission of either the manner or the process of either making or using Applicant's invention, that have not been set forth in the written description in "such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same." If there is a basis for asserting such an omission, the Examiner is respectfully requested to provide Applicant with the specific statement identifying each such omission, in accordance with 37 C.F.R. §1.104(b).

Second, the Examiner asserts that claims 29 through 39 "essentially duplicate claims 9-

19," but then asserts that "some of the agreed syntax errors changed in claims 9, 15 and 17 have been re-introduced into claims 29, 35 and 37" and that "these claims are otherwise redundant." Applicant notes that what the Examiner asserts to be "agreed syntax errors" are differences in the express language and therefore, in the scope of these claims. For example, claim 9 defines first and second inputs of "lock key data followed by" a secret code, while independent claim 29 defines first and second inputs of a secret code respectively followed "by a first input of a secret code" and "followed by a second input of a secret code." Claim 29 contemplates, *inter alia*, different inputs of different, as well as the same, secret code. This language is replicated in independent claim 35. Dependent claim 37 is amended to broaden its scope by deleting the phrase "of said secret code" in the last line. The Examiner's assertion of "syntax errors" is incorrect, because the grammar of independent claims 29 and 35 is correct, and is consistent with the broad scope of these claims accommodating successive entry of either the same or different secret codes. Should the Examiner be able to suggest alternative language that preserves this scope, Applicant respectfully requests that the Examiner telephone Applicant's undersigned attorney with the suggested language.

Third, the Examiner has belatedly asserted that claims 1, 21 and 23 should be amended to insert "do not match". These amendments have been made.

Fourth, the Examiner asserted that in claims 4 and 24, "of" should be re-inserted after "display". Applicant disagrees, and finds that the amendment is grammatically incorrect.

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Moreover, line 6 of claim 24 is amended to avoid possible ambiguity, and the amendment consequentially eliminates the need for the Examiner's suggested amendment. In claim 4, the Examiner questions Applicant's definition of the "video signal processor." This suggestion of re-insertion of "of" is improper in view of the other amendments of claim 4; specifically, the object of a proposition never assumes the genitive, or possessive tense. Consequently, re-insertion of "of" is grammatically incorrect.

Fifth, the Examiner has asserted that claims 9 through 20 and 29 through 39 "continue to or now include one contradicting limitation where *output signals having video components* that are not being generated during a standby mode contradict a claimed *mixer* that generates an output of *said video components*. The Examiner has not explained the basis for this assertion of indefiniteness, but has instead, simply quoted isolated phrases from independent claims 9, 15, 29 and 35. What is missing from the Examiner's statement is any evidence of how these phrases are contradictory. The fact that these claims define the video system that has more than more mode, and one of those modes is characterized by an absence of the generation of output signals having a first video signal component (*i.e.*, having a constituent component that is otherwise contributed by video processor 103) does not contradict a definition of a *mixer* that mixes a *first video signal and said second video signal*. The Examiner should not confuse the adjective "output" in the phrase "output signals" with the verb "output" in the last line of claim 9. Mixers are well known and are disclosed in the instant application by way of illustration, as operating upon two video signals.

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The Examiner asserts that claims 9 through 20 and 29 through 39 define "output signals having video components that are not being generated during a standby mode". This is incorrect, the preamble of claim 9 for example, simply states a "video system having a mode of operation for generating output signals having video components *and* a standby mode of operation wherein said output signals are not generated ... ." The fact that the mixer may provide an output signal obtained from a single video signal applied to the mixer during particular modes of operation is not inconsistent with the preamble. Moreover, the Board of Appeals in Appeal No. 95-1187, its decision of 22 July 1997, expressly found that the phrase from what is now claim 7, "checking ... during a system power stand-by mode" means "running the key-checking function while the main system power is off." The Board expressly noted that the fact that the "power to the overall system is off does not mean that no power is available to the remote control or the "micon." By analogy, a power button on a standard television remote control communicates with a detector in a television that must receives some power even though the overall television is off prior to reception of communication from the remote controller.

In the claims in question, the fact that the standby mode of operation provides generation of no output signals is not in contradiction to Applicant's mixer generating video components by mixing said first video signal and said second video signal during a mode of operation other than the "standby mode of operation." Moreover, such an embodiment of claim 9 is entirely consistent with the finding by the Board of Appeals. Neither inconsistency nor contradiction exist in any of these claims when the video system operates in a standby mode and no output

signals are generated. If the Examiner is aware of a contradiction in the express language of these claims however, the Examiner is requested pursuant to 37 C.F.R. §1.104(b) to make a clear statement of that contradiction. If the Examiner is suggesting alternative language in independent claims 9, 15, 29 and 35 however, the Examiner is requested to telephone Applicant's undersigned attorney.

In view of the foregoing demonstration of a lack of contradiction however, there is no basis for maintaining either of these rejections. Their withdrawal is required.

Sixth, the Examiner asserted that line 6 of claim 20 includes an *selectively generating a blocking code in dependence ...* which is still inconsistent with any of the other original disclosure in the claims and the specification. The Examiner now maintains that there is no support for such a *blocking code*, and that a *locking* code is not the same and is actually the subject of the invention originally disclosed. The Examiner also asserts that the last line of claim 20 is not accurate, since the system is already in a *blocked* power standby mode.

The Examiner seems to confuse the subject matter defined by claim 20. While Applicant's specification clearly defines a "locking code", the specification further defines such features of the invention as, for example,

"The main advantage of this invention lies on the fact that it can

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> *bar* unauthorized people from watching video *programs*, and unlocks the system to allow authorized people to view these *programs* ... ."

What is not clear from the Examiner's comments is whether the Examiner is asserting that some difference exists between "blocking" and "locking" as those terms are used in the art. Applicant expressly uses both verbs *bar* and *lock*. *The Oxford American Desk Thesaurus*, 1998, defines *block* as, among others, *bar* while the same work defines the verb bar as *lock* and *block*. A copy of that work is enclosed. *Webster's New Dictionary of Synonyms* defines the verb *bar* as *block* and defines *block* as *bar*. THE NEW SHORTER OXFORD ENGLISH DICTIONARY ON HISTORICAL PRINCIPLES defines the verb *bar* as, among other verbs, *block, hinder, prevent* or *prohibit*, while the same work defines *block* as *obstruct, hinder* or *prevent*. The same work also defines the verb *lock*, in electronics, as "temporarily prevent the operation or use of." THE OXFORD THESAURUS-American Edition (1992) defines the verb *bar* as *lock, lock up, block, obstruct ... hinder, exclude, prevent, forbid, prohibit, forestall, impede ...*, while the same work defines the verb *block* as *obstruct, bar, shut off, hinder, hamper, impede, prevent* and defines the verb *lock* as, among other terms, *latch, bar* or *secure*.

The foregoing works unequivocally demonstrate the interchangeability of these terms. Applicant's *bar* contemplates both *blocking* and *locking*. Consequently, there is no basis for this rejection in view of the express disclosure provided by Applicant's originally filed application. Applicant has however taken the opportunity to broaden the scope of claim 20 by deleting any

tag name for the code, thereby broadly defining Applicant's process, and substitutes the generic

verb "barring" for "blocking", in recognition that "barring" encompasses both "blocking" and

"locking."

Seventh, the Examiner asserts that the:

> "last two lines [of independent claim 20] recite *transmission of said first video signal* that contradicts the language of lines 2 and 3 where the *first video signal* is *transmitted for reception.* The language of this claim remains vague because of these cited syntax problems, even though the Examiner understands what is intended to be stated."

The Examiner has failed to identify which word in either lines 2 and 3 or in the last line

of claim 20 contain any syntax problem. Moreover, the Examiner appears to be reading specific

phrases of claim 20 in isolation. The last two lines contemplate "**barring** transmission of said

first video signal to said video display apparatus", rather than the "**transmission** of said first

video signal". The absence of "blocking" (or "barring") from the Examiner's excerpt is

troubling, and suggests the contradictory understanding of the process defined by claim 20.

Moreover, regardless of whether the system responds to Applicant's locking, or blocking, or

barring code *by blocking transmission of said first video signal* during the second mode of

operation, or whether Applicant's system is already is in the power standby mode of operation,

there is no contradiction internal to claim 20. Applicant emphasizes that claim 20 must be read

in its entirety rather than as an aggregation of isolated, unrelated phrases.

In view of the foregoing demonstration of express disclosure in such full, clear, concise and exact terms that is more than adequate to enable a third party to practice the apparatus and process defined by Applicant's pending claims. Moreover, Applicant has demonstrated absence of either additional syntax errors, inconsistencies or contradictions in the rejected claims. Consequently, there is no basis for maintaining either of the rejections under 35 U.S.C. §112. The withdrawal is required.

Claims 9 through 19 and 29 through 39 were alternatively rejected under 35 U.S.C. §102(b) as either anticipated by or under 35 U.S.C. §103 as rendered obvious by either Bonneau, U.S. Patent No. 4,510,623 or Amano, U.S. Patent No. 4,620,229. Applicant respectfully traverses these rejections for the following reasons:

Bonneau '623, as was previously noted, teaches interference with and avoidance of any reception of the carrier frequency of a corresponding television broadcast signal. *See* Bonneau '623, column 1, lines 40-48 and column 2, lines 34-38. The Examiner's reliance upon Fig. 4A of Bonneau '623 is misplaced. The absence of correct frequency division in the phase locked loop of Bonneau '623 makes any reception, as well as any subsequent processing, of the blocked video signal simply impossible with Bonneau '623. Consequently, Bonneau '623 neither contemplates nor permits reception of the carrier frequency of a blocked channel. It is disingenuous to suggest therefore, that Bonneau '623 teaches muting of the carrier frequency signal of a blocked channel.

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Amano '229 discloses a channel block that depends upon a remote control technique for either initiating particular programming functions or cycling between different operational modes and their corresponding four classes of different video displays provided to the television screen.

Amano '229 expressly teaches that the:

> "Output of electronic tuning circuit 12, which is the output of phase locked loop 15, is supplied to tuner 1 to control the selection of the desired channel in a conventional manner" (column 4, lines 24-29).

In essence, no video signal is received on a "desired channel" unless control circuit 20 provides a control signal to decoder 13 which, in turn, drives channel selection voltage circuit 14 and phase locked loop 15. This is confirmed by Amano '229, which expressly teaches that:

> "Control circuit 20 also supplies control signals to decoder 13 of electronic tuning circuit 12 to control the channel selection and AC power source circuit 17 ..." (column 4, lines 59-62).

Amano '229, like Bonneau '623 does not receive blocked channels; consequently, both references lack Applicant's "video signal processor *receiving* and *processing* a first video signal", as defined by line 9 of claims 9 and 15, as well as by line 9 of claims 29 and 35. This, in combination with Applicant's muting circuit features, is neither taught nor suggested by Amano '229.

These distinctions are preserved in independent claim 15, which defines Applicant's step

of receiving and processing a video signal, in independent claims 29 and 35 which define a video

signal processor receiving and processing a video signal; and in process claims 44 and 48 that

define steps of generating a video signal reproduced from a recording medium. Newly presented

claims 55 and 56 respectively define reception of a video signal and reception of an audio signal.

In contradistinction, the applied art never receives either the video signal or an audio signal due

to the lack of digital tuning of the respective antennas. Separately, newly presented process

claim 59 defines Applicant's novel process of checking for "a key data input signal received from

a user during a system power standby mode of operation". These features all readily distinguish

Applicant's process and apparatus over the prior art.

It is this combination that advantageously enables Applicant's user to evaluate and

selectively block video display of illicit or otherwise undesirable video material, regardless of

whether that material has been received by a cable, television broadcast or replay from a DVD or

magnetic tape. In view of these advantageous results flowing from this distinction, there is

neither a *prima facie* showing of obviousness under §103 nor anticipation under §102.

Accordingly, withdrawal of these rejections is required.

The Examiner rejected claims 1 through 39 as "being based upon a defective reissue oath

under 35 U.S.C. §251. The Examiner referred to 37 C.F.R. §1.175. The Examiner made two

assertions in support of this rejection.

First, the Examiner stated that "these claims do not refer specifically to each error covered by each change in the newly presented claims, in particular, as each claim is argued above in the rejection under 35 U.S.C. §112." Secondly, the Examiner also asserted that "each change to newly submitted claims 29-39 must be identified and presented with a reason for its error and why they must be introduced to essentially duplicate claims 9-19 in addition to justify their existence over the original patented claims or the justified claims 21-28." The Examiner's assertion is unfounded and is contrary to the express language of both §251 and 37 C.F.R. §1.175. The Examiner is cautioned that Rule 175 has been amended in recent years and under current U.S. practice, only a single error must be identified in the Declaration. Moreover, 37 C.F.R. §1.175(c) now expressly states that "having once stated an error upon which the reissue is based, as set forth in paragraph (a)(1) unless all errors previously stated in the oath or declaration are no longer being corrected, a subsequent oath or declaration under paragraph (b) of this section need not specifically identify any other error or errors being corrected." 37 C.F.R. §1.175(a)(1) simply requires that the Applicant state "at least one error being relied upon as the basis for the reissue".

Applicant has however, prepared and is submitting a Supplemental Declaration that confirms that "every such error arouse without deceptive intention on the part of the applicant" in accordance with 37 C.F.R. §1.175(b)(1). The submission of this Supplemental Declaration

therefore removes the basis for the rejection.

In view of the foregoing explanations and remarks, all claims are deemed to be in condition for allowance. Should any questions remain unresolved however, the Examiner is requested to telephone Applicant's attorney.

A fee of $390.00 is incurred by filing of a petition for a two month extension of time and a fee of $760.00 is incurred by the addition of five (5) independent claims in excess of total 15 and twenty (20) total claims in excess of total 39. Applicant's check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,

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